

IN THE HIGH COURT OF JUDICATURE,
ANDHRA PRADESH:AT HYDERABAD.
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE EIGHTEENTH DAY OF JUNE,
TWO THOUSAND FOUR

PRESENT:

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION. No.1821OF 1999.

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Between

1. P. Ranga Rao
2. Boddu Gopaiah
3. Lingam Narasaiah
4. Lingam Laxmi Narsaiah
5. Padisala Venkaiah
6. Padisala Bhadraiah
7. Mummadi Savitramma
8. Nagati Pullaiah
9. Ballai Venktramulu
10. Tuyyakula Lingaiah
11. Chamakuri Saidulu
12. Shaik Mahaboob Been
13. Challa Pentaiah
14. challa Anjaneyulu
15. Chamakura Seetaiah
16. Marri Ananta Ramulu
17. P.Sarojini Devi

18. Nakira Ramulu
19. chamakura Venkatadri
20. chapala Sakkubai
21. bolagani Venkanna
22. S.N. Moorthy
23. Kalva Pullaiah
24. Panja Bai
25. Maddela Narayana
26. Maddela Gurvaiah
27. Maddela Venkanna
28. S.Janaki ramachari
29. Surepalli Bhiksham
30. K.Mangaiah
31. K. Saidamma
32. Tulluri Ramaiah
33. Kuchipudi Pullaiah
34. M.Bhiksham
35. S.Narasimha Ramaiah
36. D. Veerabhadram
37. Jinkala Kotesham
38. Kollu Sessaiah
39. T.Sessaiah
40. P.Laxmi Bayamma
41. K.Manikyamma
42. K.Ramanadham
43. N.Laxmi Narayana
44. Ch.Uma Maheswara Rao.

....Petitioners

and

1. The District Collector (Land Acquisition) Khammam District.
2. Superintending Engineer, Nagarjuna Sagar Project, Khammam district.
3. Mandal Revenue Officer (Land Acquisition), Khammam Urban.

.....Respondents.

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not conveying the surplus lands of the petitioners in Dhanavaigudem, Mallemadugu and Khanapuram villages, Khammam District, which were acquired for Nagarjuna Sagar Canals work as arbitrary, illegal, unconstitutional and unsustainable and consequently direct the respondents to re-convey the surplus lands as directed by the Government in Memo No.49038/NSP.I(2)/91-5, dt. 10-3-1993 to the petitioners in Dhanavaigudem, Mallemadugu, Khanapuram villages, Khammam district.

FOR THE PETITIONERS: Mrs. N. Shoba, Advocate

FOR THE RESPONDENTS: Government Pleader for Land
Acquisition.

The Court made the following Order:

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ORDER:

This Writ Petition is filed, seeking Writ of Mandamus, to declare the action of the respondents in not conveying the surplus lands to the petitioners, out of their acquired lands, in Dhanavaigudem, Mallemadugu and Khanapuram

villages of Khammam District as illegal and arbitrary.

It is the case of the petitioners that the lands of the petitioners situated in Dhanavaigudem, Mallemadugu and Khanapuram villages of Khammam District were acquired for the purpose of excavating Nagarjuna Sagar Canal. It is not in dispute that for the purpose of acquisition of lands of the petitioners, necessary notification under Land Acquisition Act, 1894, was issued and compensation was also paid to the petitioners. The claim of the petitioners is that though their lands were acquired to the extent notified, but the entire acquired lands were not used for the purpose for which they were acquired. The petitioners also approached the Government initially seeking restoration of surplus lands, out of the acquired lands. Initially the Government has issued Memo No. 49038/NSP.I(2)/91-5, dated 10-3-1993, permitting the Chief Engineer, Nagarjuna Sagar Project, to handover the surplus lands to the District Collector, so as to restore the lands to the land owners, subject to recovery of compensation amount already paid, along with interest. It is the case of the petitioners that inspite of the said orders, surplus lands were not restored.

Counter affidavit is filed on behalf of the respondents, stating that the lands of the petitioners were acquired for excavating Nagarjuna Sagar canal and paid compensation under the provisions of the Land Acquisition Act, 1894. It is further stated that instructions issued in the earlier memo dated 10-3-1993 and further, memo dated 27-7-1997 were subsequently withdrawn by the Government vide G.O.Ms.No. 189, dated 14-10-1997. It is the case of the respondents that the land, which is now available, is also required for construction of government office complex and District headquarters, and it would be detrimental to the interest of the Government to re-convey these lands.

In view of the above averments, it is to be seen, the lands of the petitioners were acquired several years back and compensation was already paid to them. Though entire acquired land was not used for public purpose, but, in view of the steps taken under the provisions of the Land Acquisition Act, 1894, the land acquired under the provisions of the Land Acquisition Act, 1894 stood vested with the Government. It is clearly well settled that after acquisition of land under the provisions of the Land acquisition Act, 1894 for a particular public

purpose, and if any land is left over after the said purpose, the same can be used for any other public purpose. As such, the respondents have already withdrew the instructions issued in Memos dated 10-3-1993 and 27-7-1997. In view of the stand of the Government that the left over acquired land would be used for any other public purpose, no direction can be issued at this stage to restore the leftover land. I do not find any ground for grant of relief as prayed for.

The Writ Petition is, devoid of merits and accordingly dismissed. No costs.

Assistant Registrar.

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Section Officer.

To

- 1.The District Collector (Land Acquisition) Khammam District.
2. Superintending Engineer, Nagarjuna Sagar Project, Khammam district.
3. Mandal Revenue Officer (Land Acquisition), Khammam Urban.
4. Two ccs to G.P. for Land Acquisition, High Court of AP, Hyderabad (OUT)
5. Two CD copies